

**EXHIBIT 5-e to PLAINTIFFS’
APPENDIX OF EXPERT REPORTS**

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Subject: CT2 - Expert Report of Dr. Katherine Keyes
Date: Wednesday, September 23, 2020 11:22:38 PM
Attachments: [2020.09.23 Keyes Errata.pdf](#)
[Declaration of Todd Davies--confidential.pdf](#)

Counsel,

Please see attached errata to Dr. Kerry Keyes's report and related declaration.

Thank you,

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,
Plaintiff,

v.

Civil Action No. 3:17-01362

AMERISOURCEBERGEN DRUG
CORPORATION, *et al.*
Defendants.

CABELL COUNTY COMMISSION,
Plaintiff,

v.

Civil Action No. 3:17-01665

AMERISOURCEBERGEN DRUG
CORPORATION, *et al.*
Defendants.

DECLARATION OF TODD DAVIES, Ph.D.

1. I am an Associate Professor and the Associate Director of Research and Development in the Division of Addiction Sciences and the Department of Family and Community Health at Marshall University's Joan C. Edwards School of Medicine.

2. I was deposed in this litigation on July 28, 2020. This declaration supplements and clarifies my testimony.

3. Exhibit 11 of my deposition is a one-page document entitled "OUD Population at a Glance," Bates-stamped MarshallHealth-00002242. It is a screenshot printout from a Marshall Health database of electronic health records that I have access to, as described on pages 109-11 and 115 of my deposition transcript. I created the screenshot.

4. Marshall Health's electronic health records identify patients' place of residence, among other data.

5. Exhibit 11 shows data only for residents of Cabell County and the City of Huntington, including the two Huntington zip codes in Wayne County. I filtered the Marshall Health database at Plaintiffs' request, in response to Plaintiffs' subpoena, to show data only for residents of that specific geographic area.

6. The map in Exhibit 11, "Patient Density by Location OUD," shows the same geographic area (Cabell County and the City of Huntington) corresponding to the data in the exhibit. The native version of Exhibit 11, attached as Exhibit A to this Declaration, shows the geographic area more clearly.

7. I described Exhibit 11 accurately in my deposition when I testified that it is drawn from the population of Cabell County and the City of Huntington, including the part of Huntington in Wayne County. See pages 117-18 of my transcript.

8. The figure in the upper left of Exhibit 11, "Total OUD Population," listing 7,627, represents the total number of current, unique patients diagnosed by Cabell Huntington Hospital or Marshall Health clinics with opioid use disorder, among the residents of Cabell County and the City of Huntington (including the two Huntington zip codes in Wayne County). See pages 114-18 of my deposition transcript. As stated in my deposition, it shows that "out of the total population of the City of Huntington and Cabell County as of earlier this year, almost 8,000 people had OUD diagnoses." *Id.* p. 118. The data comes from the Marshall Health database.

9. Exhibit 13 to my deposition is a 25-page document entitled "Marshall MAT-LINK Project Application," Bates-stamped MarshallHealth-00000693-717. It is a grant application that I drafted, as described on pages 129-30 of my transcript.

10. The second page of Exhibit 13 states that "There are 7,581 unique individuals diagnosed with opioid use disorder (OUD) in our system with an additional 8,137 unique

individuals with multiple failed drug screens without a diagnosis or opioid prescription.” The population counts in this sentence are not drawn from the population of Cabell County and the City of Huntington, nor from the entire patient population of Marshall Health’s catchment area. The population at issue is instead tied to the target population of the grant application.

11. The parties should rely on Exhibit 11, not Exhibit 13, for the correct number of current, unique patients diagnosed by Cabell Huntington Hospital or Marshall Health clinics with opioid use disorder, among the residents of Cabell County and the City of Huntington (including the two Huntington zip codes in Wayne County), as listed in Marshall Health’s electronic health records.

12. Page 2 of Exhibit 13 refers to a roughly 1:1 ratio of unique individuals in Marshall Health’s system diagnosed with opioid use disorder, compared to unique individuals with multiple failed drug screens without a diagnosis or opioid prescription (7,581 to 8,137), for the population at issue in the exhibit. Based on my experience, the Marshall Health database would likely show a similar 1:1 ratio for residents of Cabell County and the City of Huntington. I would therefore estimate that roughly 8,000 current patients have failed multiple drug screening tests for the population described in Exhibit 11. In my deposition, I accurately testified that individuals with multiple failed drug screens without a diagnosis or opioid prescription are likely to have opioid use disorder. See pages 34-36 and 131-32 of my transcript.

13. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 15, 2020



Todd Davies, Ph.D.

Exhibit A

OUD Population At a Glance

Year(s) of OUD Diagnosis

(Multiple values)

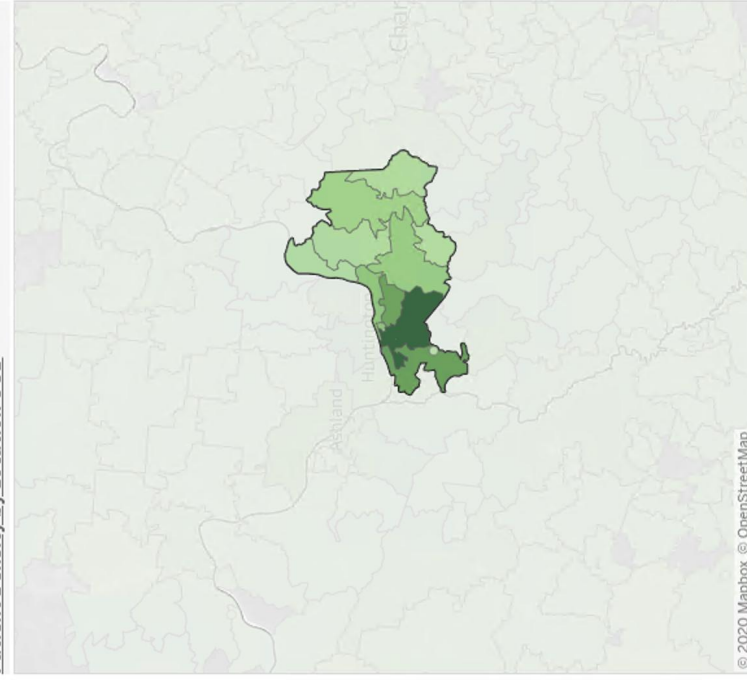
Count of Individual SUD Diagnoses for OUD

Total OUD Population	Opioids	Alcohol	Cannabinoids	Sedatives, Hypnotics Or Anxiolytics	Cocaine	Hallucinogens	Inhalants	Other Stimulants	Tobacco
7,627	7,627	971	1,228	544	648	16	942	1,307	2,390

POUD Co-Conditions

Psychiatric	Anxiety & Phobic Disorder...		3,139
	Depression		2,152
	Bipolar Disorder		720
	Other Mood Disorders		183
	Eating Disorders		120
	Schizophrenia and Delusi...		108
	Personality Disorders		79
	Psychotic Disorders		25
	Dissociative Disorder		18
	Conduct Disorder		12
	Impulse Disorders		2
Clinical	Body Pain		4,892
	Accidents & Unspecified I...		3,232
	Hepatitis C		2,657
	Neoplasms		1,289
	Accidental Drug Poisoning		1,180
	Endocarditis		613
	Burns		453
	Assault		401
	Surgery		217
	Chlamydia		115
	HIV		106
HPV		65	
	Gonorrhea		28

Patient Density by Location OUD



Age at OUD Diagnosis

